

REMARKS / ARGUMENTS

Claims 1-5 remain pending in this application. No claims have been canceled.
New claims 4-5 have been added.

35 U.S.C. §§102 and 103

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Phillips, Jr. et al (U.S. Patent No. 4,845,862). Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Phillips, Jr. et al '862 as applied to claim 1 above in view of Phillips, Jr. et al (U.S. Patent No. 3,020,169). Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Phillips, Jr. et al '862 in view of Phillips, Jr. et al (U.S. Patent No. 3,020,169) as applied to claim 2 above and further in view of Morishita et al (U.S. Patent 4,015,347). These rejections are traversed as follows.

The present invention is directed to a soft boot composite having a moisture transferring inner lining material, a frothed, breathable open cell foam material, a moisture transferring nonwoven material and a waterproof breathable soft exterior shell material. Other features include having one layer of the soft boot include fibers flocked to at least one side of that layer and that the flocked fibers are silver fibers. In addition, the waterproof breathable soft exterior shell material may be

waterproofed using encapsulation. Furthermore, new claim 5 specifies the transfer of moisture through all of the layers of the composite.

It is submitted that the cited references fail to create a *prime facie* case of unpatentability. The Examiner asserts that Phillips, Jr. et al contain limitations of claim 1. Applicant respectfully disagrees. Phillips, Jr. et al disclose a footwear 10 having an inner liner 22, an intermediate insulating layer 24 and an outer liner 26. Phillips, Jr. et al also disclose an outer shell 50. Notwithstanding such disclosure, Phillips, Jr. et al are silent with respect to a frothed, breathable foam material and also do not disclose an nonwoven material. Phillips, Jr. et al clearly state that the intermediate insulating layer 24 is preferably a relatively thick layer of open cell polyurethane foam. Preferably, this foam layer 24 is cut from a flat sheet of foam having the required thickness. In addition, outer liner 26 is described as a loosely-knit nylon or polyester tricot mesh fabric.

The deficiencies in Phillips, Jr. et al are not overcome by resort to any of the remaining cited references. Phillips, Jr. et al '169 discloses the use of fibers to prevent slipping. However, the purpose of the flocked fibers, according to the present invention, has nothing to do with slipping. Morishita et al is relied upon merely for disclosing silver fibers. However, the attempted combination of this reference with Phillips, Jr. et al still fails to disclose all of the claimed limitations of the independent claim. Therefore, it is submitted that the pending claims patentably define the present invention over the cited art.

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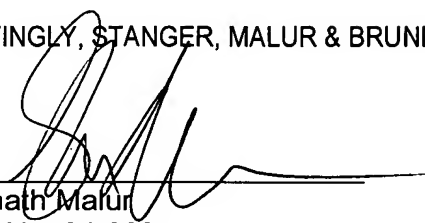
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Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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